

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 14, 1998**

## DIVISION TWO

B119443 Gharibian (Not for Publication)

V.

Superior Court, Los Angeles County  
(Verdugo Hills Hospital, et al., r.p.i.)

Let a writ of mandate issue directing the trial court to vacate its order of February 13, 1998, denying petitioners' motion to consolidate the municipal and superior court actions, and issue a new and different order granting petitioners' motion to consolidate. Real parties to bear the costs of this petition.

Nott, J.

We concur:   Boren, P.J.  
                      Zebrowski, J.

### DIVISION THREE

B120108 Los Angeles County, D.C.S. (Not for Publication)

V.

Patricia P.

The appeal is dismissed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

August 14, 1998-Continued

### DIVISION THREE (Continued)

B110753 People (Not for Publication)  
v.  
Danaher

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B118744 People (Not for Publication)  
v.  
Garcia

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B117267 People (Not for Publication)  
v.  
Rucker

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

August 14, 1998-Continued

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Cooper (F.M.), J. (Assigned), and Jim Guzman, Deputy Clerk.

Each of the following:

B111222 People v. Contreras  
B115472 People v. Watson  
B106688 People v. Bishop  
B117342 People v. Brooks

Argument waived, cause submitted.

B117355 People  
v.  
Stokes

Merits:  
Argued by Judith Kahn for appellant and by Corey J. Robbins for respondent. Cause submitted.

DIVISION FOUR (Continued)

B122407     Wilder  
              v.  
              S.C.L.A.  
              (MTA, r.p.i.)

Merits:

Argued by Leslie T. Zador for petitioner and by David Kyle for real party in interest. Cause submitted.

B115959     People  
              v.  
              Ladmirault

Merits:

Argued by JoAnne D. Roake for appellant and by William V. Ballough for respondent. Cause submitted.

B112071     People  
B112073     v.  
              Hatch

Merits:

Argued by Diana L. Summerhayes for appellant and by John J. Reed for respondent. Cause submitted.

B113621     People  
              v.  
              Mack

Merits:

Argued by Robert Spertus for appellant and by Susan Sullivan for respondent. Cause submitted.

DIVISION FOUR (Continued)

B122497     Edward Fineman Co.  
                 v.  
                 S.C.L.A.  
                 (Bank of America, r.p.i.)

Merits:  
Argued by Douglas F. Galanter for appellant and by Deborah S. Gershon  
for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Cooper (F.M.), J. (Assigned), and Jim Guzman,  
Deputy Clerk.

B115731     Fidelity & Deposit Company of Maryland  
                 v.  
                 Charter Oak Fire Insurance Company

Merits:  
Argued by David J. Ozeran for appellant and by Larry M. Golub for  
respondent. Cause submitted.

B110309     Maropulos  
B109684     v.  
                 Collins

Merits:  
Argued by Donna Marie Maropulos for appellants and no appearance by  
respondent. Cause submitted.

## DIVISION FOUR (Continued)

B101844      Faversham  
v.  
Montana Villa Investors

Merits:

Argued by Bruce N. Graham and Scott M. Schutz for appellants and by Jeffrey C. Sparks and Joseph P. Buchman for respondents. Cause submitted.

Court adjourned.

## DIVISION FIVE

B117987 People (Certified for Partial Publication)  
v.  
Ventura Martinez

The judgment is modified to impose a \$50 criminal laboratory analysis fee pursuant to Health and Safety Code section 11372.5, plus penalty assessments of \$50 pursuant to Penal Code section 1464, and \$35 as required by Government Code section 76000. The judgment is further modified to reflect 127 days of actual presentence custody plus 62 days of conduct credit for a total of 189 days of presentence custody credit. On remand, the trial court must exercise its discretion to either strike or impose the two Penal Code section 667.5, subdivision (b), prior separate prison term enhancements in accord with all of the requirements of Penal Code section 1385, subdivision (a) and impose restitution fines pursuant to Penal Code sections 1202.4, subdivision (b) and 1202.45. In all other respects, the judgment is affirmed. The clerk of the superior court shall prepare and deliver to the Department of Corrections an amended abstract of judgment which sets forth the restitution fines imposed against defendant pursuant to Penal Code sections 1202.4, subdivision (b) and 1202.45; the \$50 criminal laboratory analysis fee imposed pursuant to Health and Safety Code section 11327.5; and the \$50 and \$35 penalty assessments imposed pursuant to Penal Code section 1464 and Government Code section 76000.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

DIVISION FIVE (Continued)

B124150      In re Mark Anthony Carr  
                 on Habeas Corpus

(Certified for Publication)

The petition is granted. Within 10 days of filing date of this opinion, the respondent court is to set aside its order applying Penal Code section 2933.1 to defendant. The respondent court is to issue a new order granting defendant credits in compliance with Penal Code sections 2900.5, subdivision (b) and 4019.

Turner, P.J.

We concur:    Armstrong, J.  
                 Godoy Perez, J.